

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE TEMPORARY OCCUPANCY OF A MOBILE HOME IN THE A-5 (AGRICULTURE DISTRICT) TO HOUSE A CHRONICALLY ILL RELATIVE; (JACOB & CRYSTAL COOK, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY:  Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 07-28-03 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE TEMPORARY OCCUPANCY OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) TO HOUSE A CHRONICALLY ILL RELATIVE; (JACOB & CRYSTAL COOK, APPLICANTS); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ALLOW THE TEMPORARY OCCUPANCY OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) TO HOUSE A CHRONICALLY ILL RELATIVE; (JACOB & CRYSTAL COOK, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District # 5, McLain)

(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	JACOB & CRYSTAL COOK 1800 BANDIT WAY GENEVA, FL 32732	A-5 DISTRICT, LDC SECTIONS 30.103, 30.43(B)(2), 30.104(a), & 30.1401
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO HOUSE A CHRONICALLY ILL RELATIVE IN A MOBILE HOME AND RENEW A SPECIAL EXCEPTION FOR THE SAME, WHICH WAS GRANTED ON DECEMBER 17, 2001 BY THE BOARD OF ADJUSTMENT. • FOLLOWING THE GRANT OF THE SPECIAL EXCEPTION, THE APPLICANTS WERE UNABLE TO PROCEED WITH THE SITING OF THE PROPOSED MOBILE HOME DUE TO PERSONAL CIRCUMSTANCES ARISING FROM THE IDENTIFIED MEDICAL HARDSHIP. • THE OCCUPANCY OF A MOBILE HOME TO HOUSE A CHRONICALLY ILL RELATIVE IS PERMITTED IN ONE (1) YEAR INCREMENTS IN THE A-5 DISTRICT BY SPECIAL EXCEPTION. 	

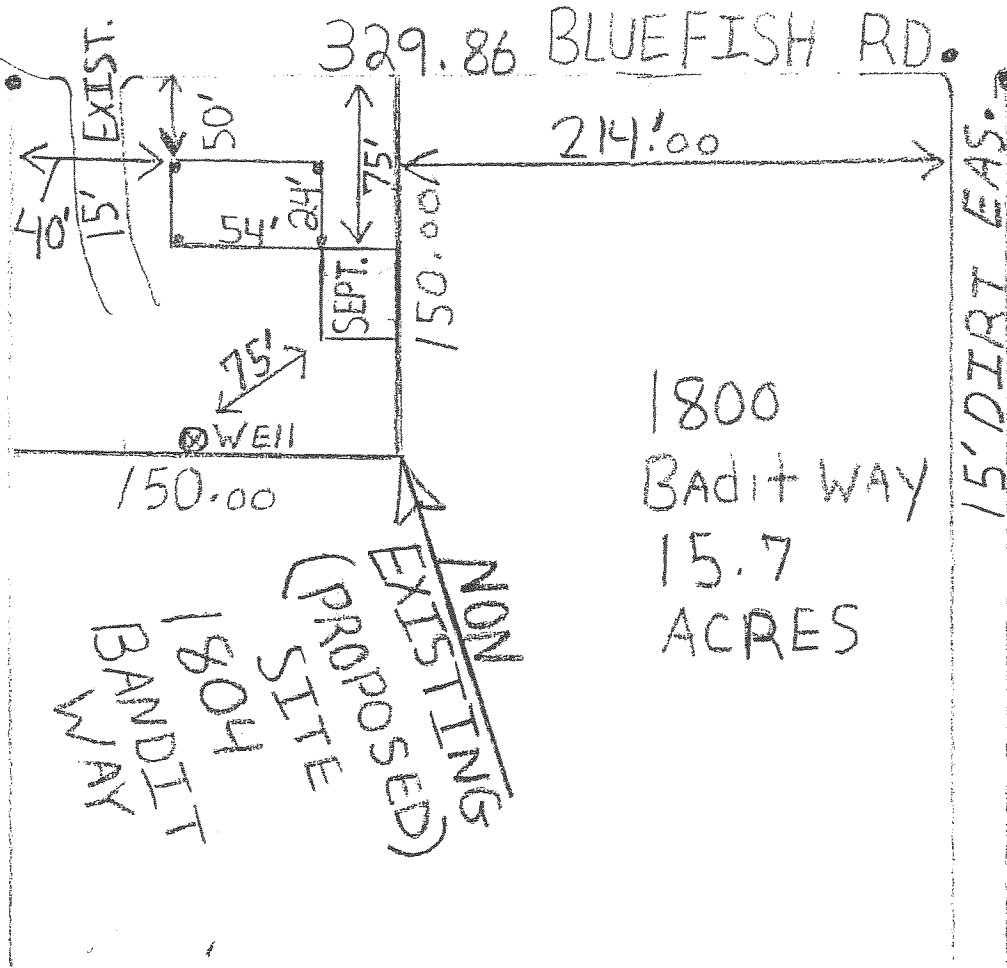
	<ul style="list-style-type: none"> THIS REQUEST REPRESENTS THE APPLICANTS' REAPPLICATION FOR TEMPORARY MOBILE HOME OCCUPANCY, SINCE THE SPECIAL EXCEPTION GRANTED IN DECEMBER 2001 HAS EXPIRED. 			
ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	A-5	RURAL-5	MOBILE HOME
	NORTH	A-5	RURAL-5	VACANT
	SOUTH	A-5	RURAL-5	MOBILE HOME & HORSE STABLES
	EAST	A-5	RURAL-5	SINGLE-FAMILY
	WEST	A-5	RURAL-5	VACANT
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(B)(2)	<p>THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE APPEALS FOR THOSE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>THE CONTINUED PLACEMENT OF THE PROPOSED MOBILE HOME FOR AN ADDITIONAL ONE (1) YEAR PERIOD WOULD NOT BE INCOMPATIBLE WITH THE TREND OF DEVELOPMENT ON NEARBY AND ADJACENT PROPERTIES.</p> <p>AVAILABLE RECORDS INDICATE THAT SEVERAL NEARBY PARCELS HAVE MOBILE HOME USES AS DEPICTED ON THE ATTACHED MAP ENTITLED, "TREND OF DEVELOPMENT."</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>SINCE THE PROPOSED USE IS A SINGLE-FAMILY UNIT THAT WOULD NOT BE HIGHLY INTENSIVE IN NATURE, STAFF DOES NOT BELIEVE IT WOULD ADVERSELY IMPACT ADJOINING TRANSPORTATION FACILITIES.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</u></p> <p>THE REQUEST WOULD BE CONSISTENT WITH THE TREND OF SINGLE-FAMILY, LOW-DENSITY RURAL LAND USE ESTABLISHED IN THIS AREA.</p> <p><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></p>			

	<p>THE SUBJECT PROPERTY OTHERWISE MEETS THE MINIMUM SIZE AND YARD REQUIREMENTS OF THE A-5 DISTRICT.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTERET:</u></p> <p>THE SUBJECT PROPERTY IS CURRENTLY OCCUPIED BY A MOBILE HOME, WHICH IS CONSIDERED THE PERMANENT SINGLE-FAMILY RESIDENCE FOR WHICH THE PROPOSED USE WOULD BE ANCILLARY.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTION 30.104(a)</p>	<p>THE BOA MAY PERMIT ANY USE ALLOWED BY SPECIAL EXCEPTION IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) UPON MAKING FINDINGS OF FACT, IN ADDITION TO THOSE REQUIRED BY SECTION 30.43(B)(2) OF THE LAND DEVELOPMENT CODE, THAT THE USE:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE RURAL ZONING CLASSIFICATIONS:</u></p> <p>THE PROPOSED MOBILE HOME IS A CONDITIONAL USE IN THE A-5 DISTRICT. TO ENSURE CONSISTENCY WITH THE GENERAL ZONING PLAN OF THE A-5 DISTRICT AND PROTECT THE CHARACTER OF THE AREA, THE MOBILE HOME SITING STANDARDS ENUMERATED IN SECTION 30.1401 OF THE LAND DEVELOPMENT CODE WOULD APPLY AS STATED ELSEWHERE IN THIS REPORT.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>THE REQUEST WOULD NOT BE HIGHLY INTENSIVE IN NATURE, AS THE PROPOSED MOBILE HOME WOULD BE TEMPORARILY ALLOWED TO HOUSE A SINGLE PERSON AND CAREGIVERS.</p> <p><u>IS COMPATIBLE WITH THE CONCEPT OF LOW-DENSITY RURAL LAND USE:</u></p> <p>THE PROPOSED USE WOULD BE CONSISTENT WITH THE CONCEPT OF SURROUNDING LOW-DENSITY, RURAL LAND USE SINCE THE COMPREHENSIVE PLAN DESCRIBES RURAL-5 AS AN APPROPRIATE FLU CATEGORY FOR THE SITING OF MOBILE HOMES AND ACCESSORY USES BY SPECIAL EXCEPTION.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES.</u></p> <p>THE PROPOSED USE WOULD BE SERVED BY ON-SITE SEPTIC AND WELL SYSTEMS. AN ON-SITE SEPTIC PERMIT SHALL BE APPLIED FOR AND OBTAINED, PRIOR TO THE SITING</p>

	OF THE PROPOSED MOBILE HOME ON THE SUBJECT PROPERTY. OTHER COUNTY SERVICES, INCLUDING SCHOOLS AND EMERGENCY SERVICES, ARE ALSO AVAILABLE TO THE SITE.
STANDARDS FOR TEMPORARY OCCUPANCY OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); LDC SECTIONS 30.123	<ul style="list-style-type: none">• THE TEMPORARY OCCUPANCY OF A MOBILE HOME BY A CHRONICALLY ILL RELATIVE IS ALLOWED IN THE A-5 DISTRICT SUBJECT TO THE FOLLOWING CONDITIONS:<ul style="list-style-type: none">○ A MOBILE HOME OR RECREATIONAL VEHICLE SHALL BE PLACED ON THE SAME LOT OR PARCEL AS THE FAMILY RESIDENCE.○ THE NECESSITY OR HARDSHIP SHALL BE SUBSTANTIATED BY DOCUMENTARY EVIDENCE.○ PERMITS SHALL BE LIMITED TO A PERIOD OF ONE (1) YEAR AND MAY BE RENEWED BY THE BOARD OF ADJUSTMENT FOR SUCCESSIVE ONE (1) YEAR PERIODS AFTER REVIEW OF THE NECESSITY OR HARDSHIP.
FINDINGS & STAFF RECOMMENDATION	<ul style="list-style-type: none">• THE APPLICANTS HAVE SATISFIED ALL CRITERIA FOR THE TEMPORARY OCCUPANCY OF A MOBILE HOME IN THE A-5 DISTRICT FOR HOUSING A CHRONICALLY ILL RELATIVE, AS REQUIRED BY THE LAND DEVELOPMENT CODE.• FOR THIS REASON, STAFF BELIEVES THE TEMPORARY PLACEMENT OF THE PROPOSED MOBILE HOME, AS REQUESTED, WOULD BE CONSISTENT WITH THE LOW-DENSITY, RURAL CHARACTER OF NEARBY AND ADJACENT PROPERTIES IF THE FOLLOWING STANDARDS ARE APPLIED AS REQUIRED BY SECTION 30.1401 OF THE LAND DEVELOPMENT CODE:<ul style="list-style-type: none">○ THE PROPOSED MOBILE HOME SHALL HAVE SAFE AND CONVENIENT VEHICULAR ACCESS.○ THE PROPOSED MOBILE HOME SHALL BE REQUIRED TO CONFORM TO APPLICABLE CODES, WHICH INCLUDE STANDARDS FOR INSTALLATION, ANCHORING, UTILITY ACCESSIBILITY, AND SKIRTING.• BASED ON THIS DETERMINATION, STAFF RECOMMENDS APPROVAL OF THIS REQUEST, CONDITIONED UPON THE SITE PLAN SUBMITTED AND CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.

SITE PLAN

BANDI WAY.



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 25, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 05, TWP 20S, RGE 32E, E 1/8 OF S ¾ OF NE ¼ (15 AC)

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: JACK A. & LORETTA COOK
1800 BANDIT WAY
GENEVA, FL 32732

Project Name: 1800 BANDIT WAY

Requested Development Approval:

SPECIAL EXCEPTION TO ALLOW THE TEMPORARY PLACEMENT OF A MOBILE HOME IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) TO HOUSE A CHRONICALLY ILL RELATIVE FOR A PERIOD OF ONE (1) YEAR, AS DEPICTED ON THE ATTACHED SITE PLAN.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. A single-family residence must be present on the subject property, prior to the establishment of the proposed mobile home;
2. The proposed mobile home shall occupy the site for no longer than a period of one (1) year, which shall be renewed by the Board of Adjustment for successive one (1) year periods;
3. The proposed mobile home shall conform to the minimum dimensional standards of the A-5 (Rural Zoning Classification District);
4. An on-site septic permit shall be applied for and obtained, prior to the siting of the proposed mobile home on the subject property;
5. The proposed mobile home shall have safe and convenient vehicular access;
6. The proposed mobile home shall conform to applicable codes for installation, anchoring, utility accessibility, and skirting; and
7. The proposed mobile home shall conform to the Seminole County Comprehensive Plan and Land Development Code.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

FILE #

BM2003-010

DEVELOPMENT ORDER # 03-32000029

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Sec. 30.1401. Mobile home/manufactured housing siting standards.

(a) These siting standards shall apply when the placement of **mobile homes** is otherwise permitted by this Code. The provisions of this Code shall not be construed to be in conflict with State law and, to the extent of any conflict, state law shall prevail.

(b) *Access:*

(1) All **mobile** and **manufactured homes** must have safe and convenient vehicular access from a local or collector street as identified in the Traffic Circulation Element of the Seminole County Comprehensive Plan. Such access shall be designed to minimize traffic congestion and hazards.

(2) Driveways shall be designed and constructed to provide safe and convenient vehicular access to each **mobile home** subject to the following:

a. All units shall have access to the street

b. Each unit shall be provided with a single width driveway at least ten (10) feet wide. The driveway shall be a minimum of twenty (20) feet in length if a full depth carport is utilized. If a full carport is not utilized the driveway shall have a minimum length of thirty (30) feet.

(c) *Landscaping and buffers for **mobile homes/manufactured housing** in RM-1, RM-2 or RM-3 Districts:*

(1) All common open space, parking lot islands and all land not otherwise developed shall be landscaped in a manner that enhances the appearance of the development, as determined by the current planning manager based upon **standards** generally set forth in this Code relating to developments with similar impacts.

(2) The perimeter landscape buffer shall be a minimum of ten (10) feet wide. In addition, a high wooden or masonry visual screen six (6) feet in height and at least seventy-five (75) percent opaque shall be provided when a **mobile** or **manufactured home** abuts properties that are not assigned the RM-1, RM-2 or RM-3 zoning classification. The Current Planning Manager may waive any masonry wall required by this subsection where extensive perimeter buffer areas are found to exist or a binding commitment exists to install same.

(d) *Construction standards:*

(1) **Mobile** or **manufactured home** stand foundation requirements/tie-downs and anchors/perimeter enclosure requirements:

a. The **mobile** or **manufactured home** stand shall be installed and anchored in accordance with the current adopted Building Code and State law. Any additions to the **mobile** or **manufactured home** must also be anchored in accordance with applicable federal and state law.

b. All **mobile** or **manufactured homes** in special flood hazard areas shall comply with all other applicable provisions of this Code including, but not limited to, provisions relating to wetlands and flood prone areas.

c. When **mobile** or **manufactured homes** are installed above grade, opaque skirting or screening shall be used surrounding such **mobile** or **manufactured homes**.

d. Crawl space access openings shall be provided. Such openings shall be located so that any utility connections located under the **home** are accessible.

e. Crawl space areas shall be ventilated by openings in the perimeter enclosure. Openings shall be arranged to provide cross ventilation and shall be covered with corrosion resistant mesh-like material of not less than one-quarter (1/4) inch or more than one-half (1/2) inch in any dimension. If combustion air for one (1) or more heat producing appliance(s) is taken from within the under-floor spaces, ventilation shall be adequate to secure proper appliance operation.

f. A minimum clearance of eighteen (18) inches shall be maintained beneath the lowest

member of the floor support framing system, unless otherwise specified in the manufacturer's installation instructions.

(Part XXXIII, § 1, Ord. No. 92-5, 3-30-92; Part XII, Ord. No. 93-1, 2-23-

Secs. 30.1402--30.1410.

MOBILE HOME
APPLICATION TO THE BOARD OF ADJUSTMENT
SEMINOLE COUNTY

PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771
Phone: (407) 665-7444 Fax: 665-7385

NEW APPLICATION ☐ Existing (Undocumented)
☒ RENEWAL
☒ REINSTATEMENT
☒ MEDICAL HARDSHIP

Medical
Hardship

APPLICANT: Jacob and Crystal Cook

MAILING ADDRESS: 1800 Bandit Way

Jack & Loretta Cook

CITY: Geneva STATE: Florida ZIP CODE: 32732

PHONE: WORK 407 249 1292 HOME 407 233 614 FAX: 407 296 5294

OWNER OF PROPERTY: JACK and Loretta Cook

STREET ADDRESS OF SUBJECT PROPERTY: 1800 Bandit Way

TAX PARCEL I.D. NUMBER: 05-20-32-300-0400-0000

LEGAL DESCRIPTION OF PROPERTY: leg Sec 05 Twp 20S R6E 32E
E Y8 of 3/4 of NE 1/4 (15AC)

DIRECTIONS TO PROPERTY: SR 410 - east to Osceola Rd - left
to Mullet Lake Park Rd left to LOT SIZE: 15.7 Acres
Bluefish - right to Bandit Way

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. The Mobile home is: ☐ Existing ☒ Proposed ☐ Replacement of existing mobile home
2. Who is the mobile home for? Jacob, Crystal, KAYLA, Jacob II Cook
3. Year of mobile home: 1983 Size of mobile home: 34' x 54' ft
4. Anticipated length of time mobile home is needed: temporary or permanent
5. Are you planning to build? NO If so, when?

Last Approval
Dec. 17, 2001

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING SUBMITTALS:

- ☒ Application fee.
- ☒ Copy of site plan indicating the information requested on page 3.
- ☐ Copy of legal description from Property Appraisers Office with the tax parcel I.D. no.
- ☐ Letter of Authorization from the property owner granting permission to apply for the Special Exception.
- ☒ Medical Hardship applications shall be accompanied by a letter from a doctor substantiating the illness.

Due to medical complications,
applicant is unable to
provide original permit

NOTE: Completion of the application form is considered to be of importance. Careful thought and correct answers should be given since many of the same questions may be asked at the hearing.

SIGNATURE OF APPLICANT Jacob Cook DATE 7-9-2003

FOR OFFICE USE ONLY

FURTHER DESCRIBED AS:	
ZONING DISTRICT:	
FLOOD PRONE REVIEW:	LOT SIZE / WIDTH VARIANCE: yes / no
PROCESSING:	
FEE: <u>185.00</u>	DATE
RECEIPT NO.	
A. LEGAL AD TO NEWSPAPER	D. BOARD ACTION / DATE
B. PLACARDS / NOTICE	E. LETTER TO APPLICANT
C. NOTICE TO PROPERTY OWNERS	
COMMENTS:	

Past Applications:

- 1.
- 2.
- 3.
- 4.

COMMISSION DISTRICT:

FILE NO. BM 2003-010
MEETING DATE August 25, 03

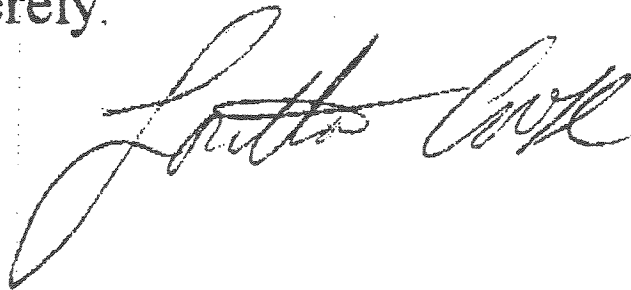
3710 S. Sipes Ave
Sanford, FL 32773

LORETTA COOK

To Whom It May Concern:.

Jacob and Crystal Cook is asking for a medical hard ship. Due to there daughter's health . I am asking you to please let them put a double wide mobile home on my property at 1800 Bandit way in Geneva, Fla.

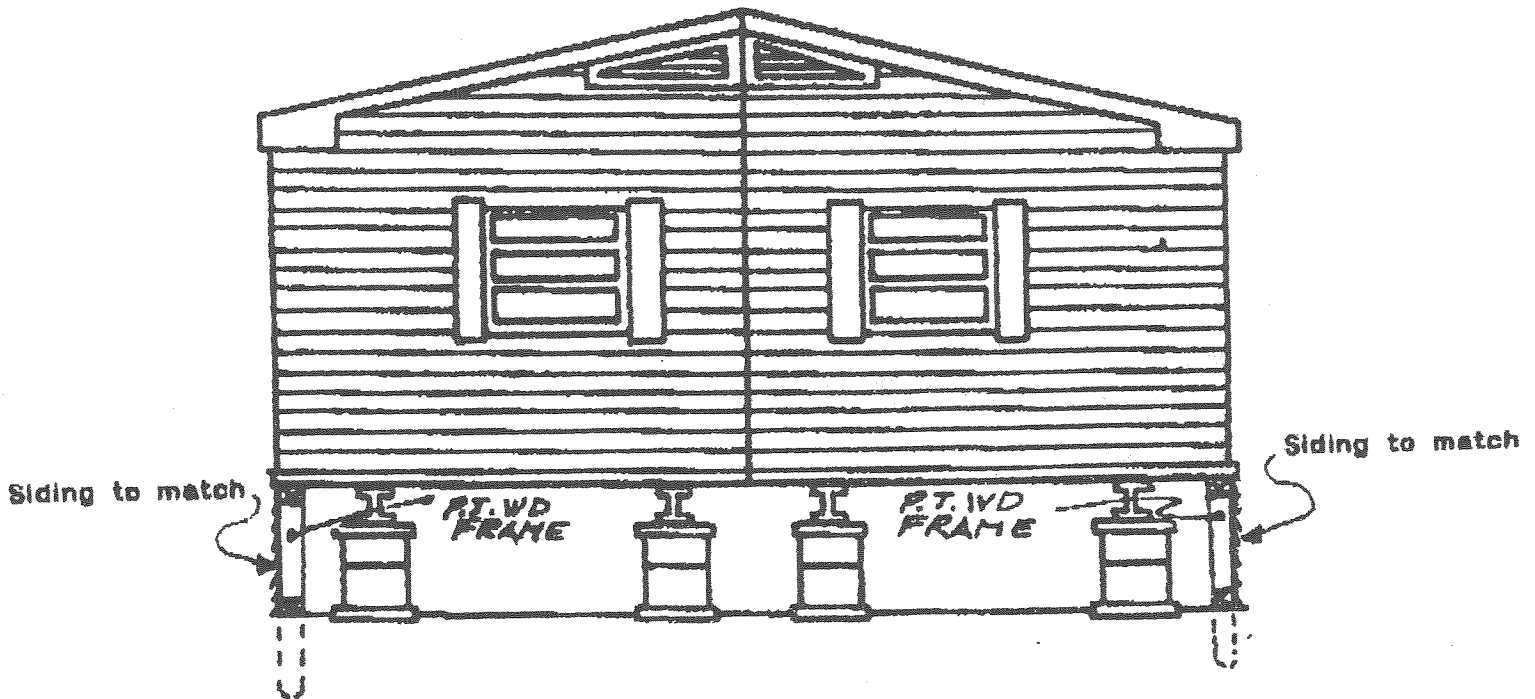
Sincerely,



Permit Application No.: _____

Applicant Name: Kayla Cook

MOBILE HOME DETAIL
NTS



YEAR AND MODEL MOBILE HOME: 1983 Pearl Harbor Double wide mobile Home

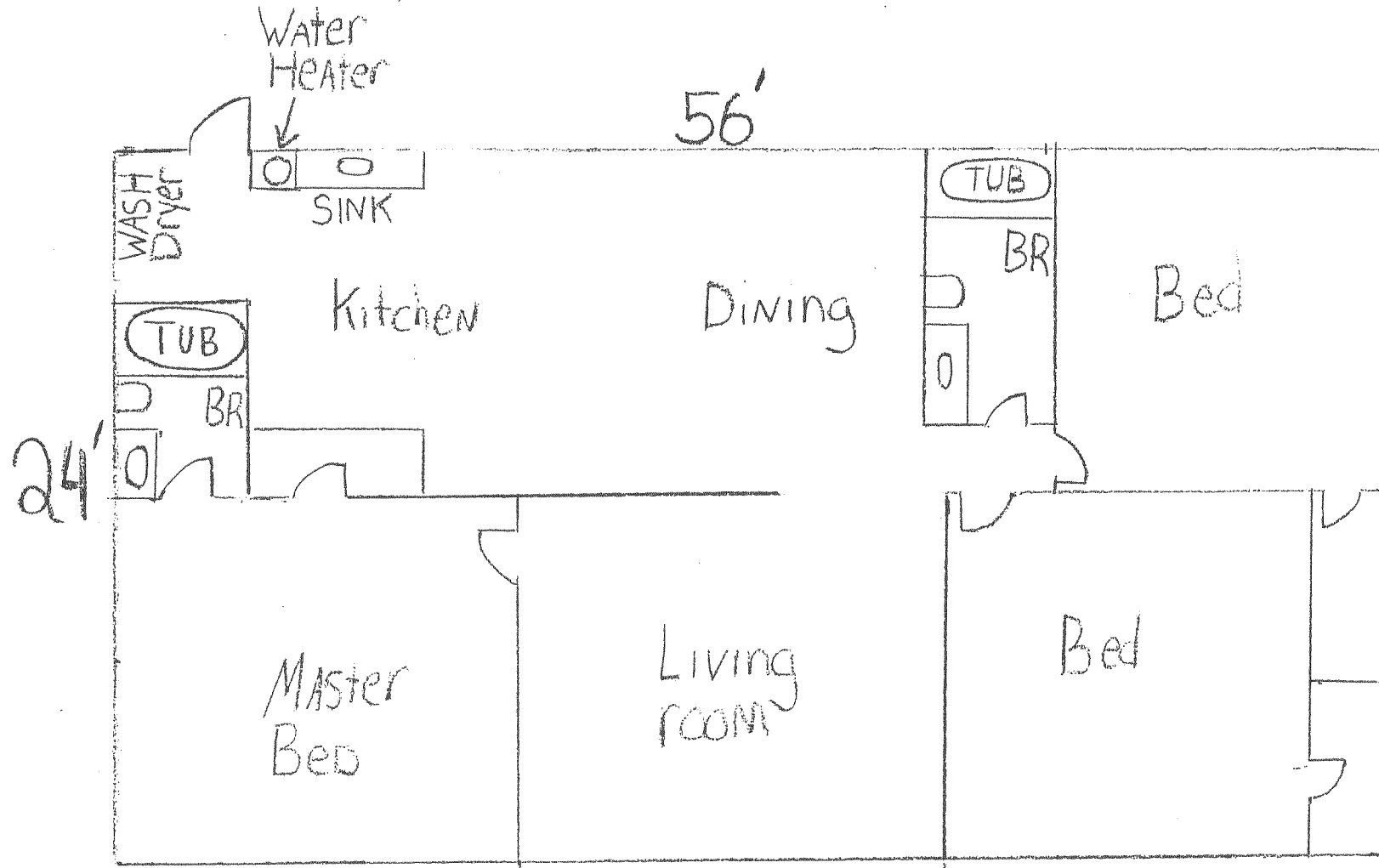
SIZE OF MOBILE HOME: 24 ft X 54 ft

SIDING MATERIAL: Aluminum siding

ROOF MATERIAL: shingles

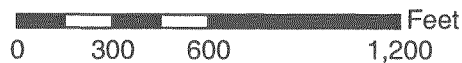
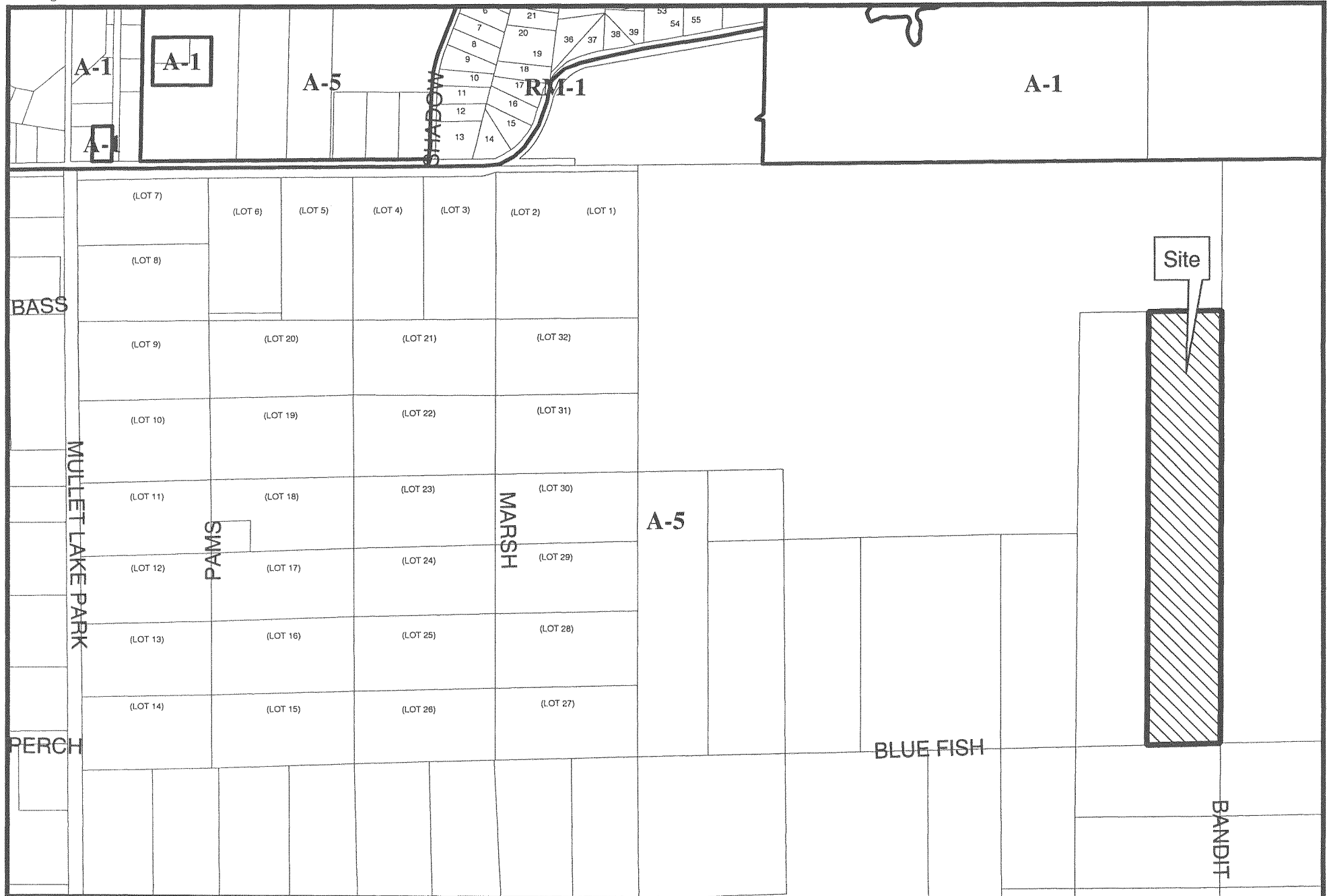
UNDER CARRIAGE SCREENING MATERIAL: Aluminum siding

Double Wide
Mobile Home





Jacob & Crystal Cook 1800 Bandit Way





Jacob & Crystal Cook 1800 Bandit Way



0 300 600 1,200 Feet